



US Army Corps
of Engineers®

SAN FRANCISCO DISTRICT

Regulatory Branch
1455 Market Street
San Francisco, CA 94103-1398

PUBLIC NOTICE

Project: Cooley Ranch Vineyard

NUMBER: 28490N

DATE: September 1, 2008

RESPONSE REQUIRED BY: September 30, 2008

PROJECT MANAGER: Katerina Galacatos

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1. INTRODUCTION: Klein Foods, Inc. (P.O. Box 6010, Healdsburg, CA 95448), through their agent, Peter Bontadelli of Analytical Environmental Services, has applied for a Department of the Army permit to construct the Cooley Ranch Vineyard project. The project site is located approximately five miles west of the city of Cloverdale, Sonoma County, California (Figure 1 – Project Location). This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. Section 1344).

2. PROPOSED PROJECT:

Project Site: The Cooley Ranch Vineyard project site is approximately 3,450 acres located within the Dry Creek Watershed, upstream of Lake Sonoma. Elevation ranges between 800 feet above mean sea level up to 2,041 feet above mean sea level at the project site's largest peak, Sky High Mountain. The project site has a variety of vegetative communities including ruderal grassland, valley and foothill grassland, oak woodland, riparian forest, and redwood forest. The Corps issued a jurisdictional determination on September 20, 2007. The project site includes 26.396 acres of jurisdictional wetlands and streams that are fed by a combination of groundwater and rainfall (Figures 2, 2a – 2e, Jurisdictional Wetlands and Streams).

Project Description: The applicant proposes to develop approximately 280 acres of vineyards and associated features within the project site (Figure 3 -

Proposed Vineyard Areas). The proposed vineyard areas have been grouped geographically in the western, eastern and northern portions of the project site. Five vineyard areas will be developed in the western portion of the project site (POU 1W through POU 5W). Four vineyard areas will be developed in the eastern portion of the site: POU 1E through POU 4E. Six vineyard areas will be developed in the northern portion of the project site (POU 1N through POU 6N).

The associated features are five reservoirs, six water diversion facilities, seven pipelines to connect diversion facilities to water storage facilities, and eleven road crossings across jurisdictional streams (Figure 4 – Associated Features). The reservoirs will collect water from natural ephemeral and intermittent drainages and from the diversion facilities.

The proposed project will impact a total of 2.1 acres of wetlands for the construction of one of the reservoirs (Figures 5, 5a-5e - Wetland Impact). The applicant proposes to mitigate by creating 2.1 acres of onsite wetlands by expanding an existing 7.35 acre wetland to 9.45 acres (Figures 6 and 6a- Wetland Mitigation). The applicant also proposes to preserve the existing 7.35 acres wetland. A 50 foot buffer will be placed around the combined wetland creation/preservation area.

The six water diversions will temporarily impact a total of 70 linear feet of stream that will be restored. The eleven road crossings will involve the installation

of culverts (approximately 70 feet each). Stream impacts from proposed reservoirs and road crossings total 4,010 linear feet (Figure 7, 7a-7e - Stream Impact). The applicant is proposing to offset stream impacts by fencing or otherwise protecting from grazing and enhancing the stream by the removing invasive species and by planting of trees with buffer zones to improve overall riparian corridors (Figure 8 –Stream Mitigation). The number of trees planted will be at a ratio of at least 3:1 to offset impact of tree removal due to reservoir construction.

The applicant is proposing to protect the wetland and stream mitigation areas, under a Forever Wild easement (Figures 9, 9a-9c – Forever Wild Areas).

3. COMPLIANCE WITH VARIOUS FEDERAL LAWS:

National Environmental Policy Act of 1969 (NEPA): The Corps will assess the environmental impacts of the proposed action in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. Section 4371 et. seq.), the Council on Environmental Quality's Regulations (40 C.F.R. Parts 1500-1508), and the Corps' Regulations (33 C.F.R. Part 230 and Part 325, Appendix B). Unless otherwise stated, the Environmental Assessment will describe only the impacts (direct, indirect, and cumulative) resulting from activities within the Corps' jurisdiction. The documents used in the preparation of the Environmental Assessment will be on file with the U.S. Army Corps of Engineers, San Francisco District, Regulatory Branch, 1455 Market Street, San Francisco, California 94103-1398.

Endangered Species Act of 1973 (ESA): Section 7 of the Endangered Species Act requires formal consultation with the U.S. Fish and Wildlife Service (FWS) and/or the National Marine Fisheries Service (NMFS) if a Corps permitted project may adversely affect any Federally listed threatened or endangered species or its designated critical habitat. The proposed project will not impact any known threatened or endangered species.

Magnuson-Stevens Fisheries Conservation and Management Act: Essential Fish Habitat - The Magnuson-Stevens Fishery Conservation and Management Act requires all Federal agencies to consult with the National Marine Fisheries Service (NMFS) on all actions, or proposed actions permitted by the agency that may adversely affect Essential Fish Habitat (EFH). There are no EFH concerns with this proposed project.

Clean Water Act of 1972 (CWA):

a. Water Quality: Under Section 401 of the Clean Water Act (33 U.S.C. Section 1341), an applicant for a Corps permit must first obtain a State water quality certification before a Corps permit may be issued. The applicant applied to the State Water Resources Control Board's Division of Water Rights (contact person: Camilla Williams, 916-327-4807) for diversion of water for a beneficial use. No Corps permit will be granted until the applicant obtains the required water quality certification. The Corps may assume a waiver of water quality certification if the State fails or refuses to act on a valid request for certification within 60 days after the receipt of a valid request, unless the District Engineer determines a shorter or longer period is reasonable for the State to act.

Those parties concerned with any water quality issue that may be associated with this project should write to the Executive Officer, California Regional Water Quality Control Board, North Coast Regional Water Quality Control Board 5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403 by the close of the comment period of this Public Notice.

b. Alternatives: Evaluation of this proposed activity's impact includes application of the guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b)(1) of the Clean Water Act (33 U.S.C. Section 1344(b)). An evaluation has been made by this office under the guidelines and it was determined that the proposed project is not water dependent.

Coastal Zone Management Act of 1972 (CZMA): Section 307 of the Coastal Zone Management Act requires the applicant to certify that the proposed project is consistent with the State's Coastal Zone Management Program, if applicable. The proposed project is not within the Coastal Zone.

National Historic Preservation Act of 1966 (NHPA): Based on a review of survey data on file with various City, State and Federal agencies, no historic or archeological resources are known to occur in the project vicinity. If unrecorded resources are discovered during construction of the project, operations will be suspended until the Corps completes consultation with the State Historic Preservation Office (SHPO) in accordance with Section 106 of the National Historic Preservation Act.

4. PUBLIC INTEREST EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impact, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits that reasonably may be expected to accrue from the proposed activity must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered, including its cumulative effects. Among those factors are: conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

5. CONSIDERATION OF COMMENTS: The Corps of Engineers is soliciting comments from the public, Federal, State and local agencies and officials, Indian Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered

by the Corps to determine whether to issue, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest in the proposed activity.

6. SUBMISSION OF COMMENTS: Interested parties may submit, in writing, any comments concerning this activity. Comments should include the applicant's name and the number and the date of this Public Notice, and should be forwarded so as to reach this office within the comment period specified on Page 1. Comments should be sent to the U.S. Army Corps of Engineers, San Francisco District, Regulatory Branch, 1455 Market Street, San Francisco, California 94103-1398. It is the Corps' policy to forward any such comments that include objections to the applicant for resolution or rebuttal. Any person may also request, in writing, within the comment period of this Public Notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Additional details may be obtained by contacting the applicant whose name and address are indicated in the first paragraph of this Public Notice or by contacting Katerina Galacatos of our office at telephone 415-503-6778 or E-mail: Katerina.Galacatos@usace.army.mil. Details on any changes of a minor nature that are made in the final permit action will be provided upon request.